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IN CLERKS OFFICE

2005 FEB -4 P 2: 57

U.S. DISTRICT COURT
DISTRICT OF MASS.

CA 04-12585 WGY

In the United States District Court of Massachusetts at Boston

AMANDA U. AJULUCHUKU,

Plaintiff,

Vs.

Bank of America, Defendant

No.

Complaint

**Discrimination based upon disability
classified under 446 as "Other Civil
Rights-Americans with Disabilities" on the
Cover Sheet of the U.S. District Court.**

Motion For Relief

Note on Calendar

February 25, 2005

To the Clerk of the Court

A). NAMES AND ADDRESSES OF PLAINTIFF AND DEFENDANT

**Amanda U. Ajuluchuku
4240 Boulder Hwy. #3204
Las Vegas, NV 89121
Phone (702) 505-5745**

January 31, 2005

**Bank of America (Fleet Bank)
71 Faunce Corner Road
North Dartmouth, MA 02740
Attention: Legal Department**

B). FACTS OF THE CASE (ALLEGATIONS)

1) In July 2003, I opened both a savings and a checking account with Fleet Bank in North Dartmouth, Massachusetts. Fleet Bank has now merged with Bank of America.

2) I did not have a job. However, I received unemployment checks from Washington, DC of \$184.00 a week. I made a habit of depositing my check inside the Fleet Bank as opposed to via the ATM. Each time, I asked the teller for money out of my unemployment check. But the teller told me that she could not afford to give me the money due to the fact that it was an out of state check. She said that I would have to wait for about three to five days for the check to clear. However, she advised me to use the ATM as opposed to coming inside the bank. She said that the ATM would give me up to \$100.00.

3) I took her advice. Whenever, I received my unemployment check, I would use the ATM. Each time, I withdrew up to \$100.00.

4) In November 2003, I deposited a check of \$200.00 into my account via a Fleet ATM in New Bedford. I was no longer living in North Dartmouth. I was on my way to Boston via New Bedford. As always, I took \$100.00 out of the check. Before leaving for Boston, I rented a storage space in UHaul in New Bedford on November 27, 2003. I used my Capital One Credit card to pay for the storage.

5) When I got to Boston, I tried to get money out of the ATM, Fleet Bank had deliberately frozen all my accounts.

6) In early December 2003, I returned to New Bedford to get some things from my storage. I also returned to North Dartmouth to learn why they had frozen my accounts. I fell several times due to the fact that they had frozen my accounts. I was suffering from panic and anxiety attacks, severe dizzy spells, headaches, and cold chills. Fleet Bank was aware of my disability. They saw me fall. None of them lifted a finger to help me. They did not ask if I was all right. Then, I met with the manager. I explained that I had deposited a check of \$200.00. He told me that they did not see the check. However, he refunded the amount to my account.

7) Afterwards, I returned to Boston. When I tried to conduct a transaction online at Boston University, I mistakenly put my checking account. I had to go to the nearest Fleet Bank to stop the transaction. Fortunately, there was a full service Fleet Bank at Boston University. I met with the manager and assistant manager of the Fleet Bank. They put a stop on the transaction. However, both suggested that I close the account for fear that the online transaction might present my checking account number in six months because the stop was only good for six months. Again, I followed the Banker's advice. I closed the North Dartmouth account. At the same time, I reopened another account with Fleet Bank at Boston University/Andover, Massachusetts.

8) It made sense because I was in Boston to attend law school in Andover, close to Boston. I would return to UHAUL in New Bedford to retrieve my belongings once I found an apartment in Boston. I had a Capital card with UHAUL. Once, the manager and assistant manager of UHAUL told me that my credit card paid me through April 2004. The next time, I telephoned them, I was told that my credit card was declined. I had to send the manager and assistant manager a money order from Fleet Bank in Andover in the amount of 54.00 to cover the rent from December 27, 2003 through January 27, 2004. Two weeks later, I telephoned them to find out if they had received

1 my money order, both said that they had not received the money order. I was deeply
2 worried. I did not want my belongings to be sold off at an auction.

3 9). Within days, the Fleet Bank in North Dartmouth closed all my accounts with the
4 Fleet Bank at Boston University/Andover. They were unstoppable. Again, they froze all
5 my accounts. Additionally, they paid the online transaction. Even though, I had placed a
6 stop payment. In doing so, I suffered hunger. I was homeless, jobless, and penniless in
7 Boston. Fleet Bank deprived me of food during Christmas 2003. I suffered panic and
8 anxiety attacks. I was unable to use my ATM card. Hence, my blood pressure rose to
9 alarming heights. It took about three days before they put the money back on my
10 account.

11 10) On December 28, 2003, I met my fiancé in Boston. He took a leave from his
12 Department of Defense job in Bremerton, Washington to visit his ailing mother. On
13 January 1, 2004, he proposed marriage. On January 7, 2004, he flew me from Boston to
14 Washington for marriage. He begged me to continue law school in Washington State. I
15 agreed. Boston is a very cold city. Plus, it was hard securing an apartment due to my
16 bankruptcy. While in Boston, I stayed in several hotels. Hotels do not mind a
17 bankruptcy record. Most importantly, I love hotels because they provide maid service
18 and heat all year round. I am disabled.

19 11). On January 10, 2004, I closed my Fleet Bank accounts. Afterwards, I opened
20 both a checking and savings account with Washington Mutual. A week later, Fleet Bank
21 sent me a refund in the amount of \$18.00 from my two accounts

22 12). A week later, the manager of UHAUL said that they had received the Fleet
23 money order that I had sent in late December 2003. Apparently, it took more than three
24 weeks for the check to travel from Boston to New Bedford. On January 7, 2004, I tried
25 to retrieve several of my belongings from the storage, the manager would not allow me
26 to take anything from the storage until I paid more money.

13 13). Recently, I learned from Washington Mutual that Bank of America has put a
14 dent on my Chex systems. I even tried to open an account with another bank. They
15 closed it because they discovered the dent.

16 14). In July 2004, I received a letter from Bank of America demanding that I pay
17 them the \$200.00. I did not realize that Bank of America had merged with Fleet Bank. I
18 do not owe Bank of America. I do not owe Fleet Bank. They intentionally misplaced my
19 check. And they refunded me the money. When I closed my accounts in January 2004,
20 Fleet Bank refunded me about \$18.00.

21 15). I would like to use the proceeds from this lawsuit to cater to the needs of the
22 under-privileged children globally, pay for law school, and my son's education. In July,
23 2004, I donated many of my belongings in the UHAUL storage to the under-privileged
24 children in Massachusetts. In the past, I have donated many of my belongings to the
25 under-privileged children in California and Maryland.

26 C). DISCRIMINATION

1). According to Black Law's Dictionary, edited by Byran A. Garner, Discrimination
is the effect of a law or established practice that confers privileges on a certain class or
denies privileges to a certain class because of race, age, sex, nationality, religion or
handicap. State laws provide further protection against protection. Differential
treatment especially a failure to treat all persons equally when no reasonable distinction

1 can be found between the favored and those not favored. Invidious discrimination is
2 based upon prejudice or stereotyping.

3 2). Bank of America (Fleet Bank) preyed upon my disability. They were aware of it.
I told them.

4 D). DISABILITY

5 1). "Physical disability is an incapacity caused by a physical defect, bodily imperfect
or mental weakness." "An individual with a disability is defined by the ADA as a person
6 who has a physical or mental impairment that substantially limits one or more major life
activities, a person who has a history of record of such an impairment, or a person who
7 is perceived by others as having such an impairment. The ADA does not specifically
name all of the impairments that are covered.

8 2). When I was a baby, I fell down a flight of stairs. I injured my brain in the
process. As a consequence, I lack motor skills. Playing the piano at the age of six rewired
9 my brain and accorded me minimal motor skills. Dizziness and fainting spells are
symptoms of my disability. I have a record of disability with Dr. Mark Schwartz. I have
10 received disability benefits from the State of California and Provident Life Insurance.
The State of California issued me a permanent disabled placard for driving.

11 E). LIABILITY

12 1). I am entitled to relief under the American Disability Act 12101 et seq. and Civil
Right Act 1964.

13 F). MENTAL OR EMOTIONAL DISTRESS

14 1). "Mental or emotional distress is a highly mental unpleasant mental reaction such
as anguish, grief, fright, humiliation, dizziness, fainting spells, memory loss,
15 embarrassment, anger, chagrin, worry, disappointment, or fury that results from
another person's conduct. Again, I am quoting from Black Law's Dictionary. Mental
distress constitutes emotion pain and suffering. On May 14, 2004 and May 19, 2004, I
16 suffered all of the above. Hence, I listed them in my complaint. "When mental distress is
extreme, there is liability."

17 2). I suffered high blood pressure, panic attacks, anxiety, hunger, thirst,
18 disappointment, frustration, anger, dizziness, fainting spells (seizures), and memory loss.

19 G). PRAYER FOR RELIEF

20 I would like the court to do something. Please do not condone the discrimination based
upon color and disability from Bank of America. They deprived me of food during
Christmas 2003. I was hungry. I suffered panic and anxiety attacks. My blood pressure
rose to alarming heights. I had cold chills. Boston was very cold. I do not owe a dime. I
21 do not owe Bank of America. I do not owe Fleet Bank. They intentionally misplaced my
check. They refunded me the money. When I closed my accounts in January 2004, Fleet
22 Bank refunded me some money. Due to their discrimination, I cannot open an account
with any bank. I cannot reopen my account with Washington Mutual due to the dent
23 that Bank of America has levied on my Chexsystems. Another bank closed my account
once they learned about it. Fleet Bank is discriminating against me mainly due to my
24 disability. America is a great country because of the diversity of her people. As a
disabled person, I also have a voice. I pray that my voice will be heard today. I have
25 been singled out for a reason. I would like to think it is because I have the capacity to
speak on behalf of all disabled persons. Hundred years from now, I pray that America
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1 would lead the world in shaping the minds of wrongdoers. We as a nation have the
2 capability to rise above evil, stereotypes, and hate crimes. In doing so, we have come to
3 do what God has put on earth to do. Honesty is the best policy. I have told the truth. I
4 know that when I leave this earth, my conscience will be clear. Please remember that
5 "America is a free country for all" (President Jefferson, 1776). "I have a dream that one
6 day everyone will be judged by the content of their character and not by the color of
7 their skin" (Dr. Martin Luther King Jr. 1968). According to the American Disability Act
8 12101 et seq. under 42 USC 12188, I am entitled to relief. According to the Civil Rights
9 Act 1964 under 42 USC 2000, I am also entitled to relief. Finally, according to the
10 Slander and Libel Act RSO 1990, I am entitled to relief. Bank of America has violated
11 all my rights under these Acts. They have slandered and libeled my name and social
12 security number in the Chex Systems and Credit bureau nationwide, if not worldwide.
13 Granting me \$5,000,000,000.00 (five billion dollars) as compensatory and punitive
14 damages is a matter of law.

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Amanda U. Ajuluchuku (Pro Se)

AO 240 (Rev. 6/86) Application to Proceed

United States District CourtDISTRICT OF ~~MASSACHUSETTS~~ *MASSACHUSETTS*

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT
APPLICATION TO PROCEED IN
FORMA PAUPERIS, SUPPORTING
DOCUMENTATION AND ORDER

Ajuluachukwu, Amos

v.

BANK OF AMERICA

CASE NUMBER:

1. Amos U. Ajuluachukwu

declare that I am the (check appropriate box)

☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent defendant☐ _____
other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding of the issues I intend to present on appeal are briefly stated as follows:

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes ☐ No ☒
 - a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)
 - b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.
6/25/04 \$480/month
2. Have you received within the past twelve months any money from any of the following sources?
 - a. Business, profession or other form of self-employment Yes ☒ No ☐
 - b. Rent payments, interest or dividends? Yes ☐ No ☒
 - c. Pensions, annuities or life insurance payments? Yes ☐ No ☒
 - d. Gifts or inheritances? Yes ☐ No ☒
 - e. Any other sources? Yes ☐ No ☒

twelve months.

AO 240 Reverse

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes ☐ No ☒ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bond, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent on you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

My son. He attends college in Maryland.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

2/1/05
(Date)

Signature of Applicant

CERTIFICATE (Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

_____ I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

United States Judge

Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge or
Magistrate Judge

Date

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk's Office for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Amanda U. Ajuluckten

(b) County of Residence of First Listed Plaintiff CLARK
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Amanda U. Ajuluckten
4240 Boulder Hwy #3204
Las Vegas, NV 89121

DEFENDANTS

BANK OF AMERICA
2005 FEB -4 P 2:57County of Residence of First Listed Defendant U.S. DISTRICT COURT DISTRICT OF MASS
(IN PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☒ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☒ 4 DEF
- Citizen of Another State ☒ 2 PTF ☐ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Violation of 42 U.S.C. § 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$5,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/1/05

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____